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OFFICE OF PETITIONS

In re Application of	:
In Ho Ahn et al	:
Application No. 10/670,057	: DECISION ON PETITION
Filed: September 25, 2003	: UNDER 37 CFR 1.181
Attorney Docket No. 041501-5580	:

This is a decision on the petition under 37 CFR 1.137((b), filed June 20, 2006, which, for the reason stated below, is being treated as a petition under 37 CFR 1.181 requesting that the holding of abandonment in this application be withdrawn and the Notice of Abandonment vacated.

The petition treated under 37 CFR 1.181 is GRANTED.

The above-identified application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed September 5, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed on June 13, 2006.

Petitioner states that, on December 2, 2005, a reply in response to the September 7, 2005 Office action was filed. In support of this allegation, petitioner has submitted copies of the previously filed documents and a USPTO-stamped return addressed postcard which acknowledges receipt of an "Amendment Transmittal Form" and an "Amendment in response to the September 7, 2005 Office Action." The postcard receipt bears the application number of the present application. However, petitioner explains that the application number was incorrectly identified on the first page of the Amendment Transmittal Form, as well as on the first page of the Amendment but that all other pertinent information, such as the attorney docket number, filing date, title of the invention, inventors' names, examiner's name, art unit number, and confirmation number were correct.

A review of the file record for this case discloses that the papers filed on December 2, 2005, bearing the incorrect application number of 09/670,057, rather than the present application number, No. 10/670,057, have been associated with this file. It is noted that the papers were annotated with the correct series code for the application papers. It is also noted that the papers otherwise correctly identified the present application. It is the policy of the office that a response having an incorrect application number is handled in accordance with MPEP 508.03. If a paper having an incorrect application number contains sufficient information to identify the correct application and was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the papers with the instant file and, as noted above, the papers filed on December 2, 2005 directed to another application have, in fact, now been associated with this file.


In view of the above, the holding of abandonment is hereby withdrawn and the Notice of Abandonment mailed on June 13, 2006 is vacated.

Petitioner is cautioned to ensure that the correct identifying data appears on all correspondence submitted to the USPTO to avoid situations of the nature which occurred in the present application.

A petition to withdraw the holding of abandonment under 37 CFR 1.181 does not require payment of a fee. Accordingly, the \$1,500 petition fee submitted will be refunded to petitioner's deposit account in due course.

Inquiries concerning this decision on petition may be directed to the undersigned at (571) 272-3218. Inquiries concerning either the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2875 for appropriate action in the normal course of business on the reply received December 2, 2005.


Frances Hicks
Petitions Examiner
Office of Petitions